

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: April 19, 2006 - KW

Division: County Attorney

Bulk Item: Yes X No     

Department: County Attorney

Staff Contact Person: Bob Shillinger

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**AGENDA ITEM WORDING:**

Approval of payment to *Paul, Hastings, Janofsky & Walker, LLP* for professional legal services by Robert H. Freilich rendered in the amount of \$146,454.29 (Invoice #1496297).

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**ITEM BACKGROUND:**

Robert Freilich has been lead counsel for the team defending the County in *Collins v. Monroe County v. State of Florida*, CAM-04-379.

The total amount billed in Invoice #1496297 was \$146,629.29. The County Attorney's Office is requesting payment of \$146,454.29 less a disputed \$175 charge on 10/24/05 as noted on statement.

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**PREVIOUS RELEVANT BOCC ACTION:**

On November 29, 2004 the Board agreed to hire Mr. Freilich to represent the County in this case.

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATIONS:**

Approval.

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**TOTAL COST:** \$146,454.29

**BUDGETED:** Yes      No     

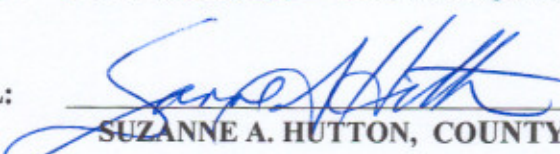
**COST TO COUNTY:** \$146,454.29

**SOURCE OF FUNDS:**                     

**REVENUE PRODUCING:** Yes      No      **AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty X OMB/Purchasing      Risk Management     

**DIVISION DIRECTOR APPROVAL:**

  
SUZANNE A. HUTTON, COUNTY ATTORNEY

**DOCUMENTATION:** Included X Not Required     

**DISPOSITION:**                                     

**AGENDA ITEM #**

**PaulHastings**  
ATTORNEYS

Paul, Hastings, Janofsky & Walker LLP  
515 South Flower Street • 25th Floor • Los Angeles, CA 90071-2228  
telephone 213 683 6000 • facsimile 213 627 0705 • www.paulhastings.com

RECEIVED

JAN 25 2006

MONROE COUNTY ATTORNEY

Atlanta  
Beijing  
Brussels  
Hong Kong  
London  
Los Angeles  
Milan  
New York  
Orange County  
Palo Alto  
Paris  
San Diego  
San Francisco  
Shanghai  
Stamford  
Tokyo  
Washington, DC

(213) 683-6314  
robertfreilich@paulhastings.com

January 18, 2006

58551.00002 and 58551.00003

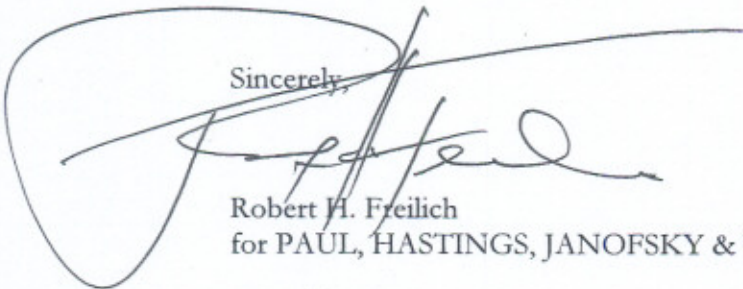
Mr. Richard Collins  
County Attorney  
Monroe County  
Post Office Box 1026  
Key West, FL 33041-1026

Re: Invoices for Collins Litigation and Galleon Bay Corp.

Dear Richard:

Enclosed you will find our invoices for legal fees for professional services for the period ending December 31, 2005 in the above-referenced matters. Given our impending year end of January 31, I would appreciate your having these statements processed for payment at your earliest convenience.

Sincerely,



Robert H. Freilich  
for PAUL, HASTINGS, JANOFSKY & WALKER LLP

RHF:df

Enclosures



PaulHastings

PAUL, HASTINGS, JANOFKY & WALKER LLP  
515 South Flower Street, 25<sup>th</sup> Floor, Los Angeles, CA 90071-2228  
telephone 213-683-6000 / facsimile 213-627-0705 / internet www.paulhastings.com

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Palo Alto/ Paris/ San Diego/ San Francisco/ Shanghai/ Stamford/ Tokyo/ Washington, D.C.

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JAN 25 2006

MONROE COUNTY ATTORNEY

Monroe County  
P.O. Box 1026  
Key West, FL 33041-1026

January 18, 2006

Attn: Mr. Richard Collins  
County Attorney

Please refer to  
Invoice Number: 1496297  
PHJ&W Tax ID No. 95-2209675

### SUMMARY SHEET

**Collins Litigation**

PHJ&W LLP File# 58551-00002  
Robert H. Freilich

Legal fees for professional services  
for the period ending December 31, 2005  
Costs incurred and advanced

\$145,157.50  
1,471.79

**Current Fees and Costs Due**

**\$146,629.29**

**Prior Balance Due**

**\$174,665.66**

**Total Balance Due**

**\$321,294.95**

**Wiring Instructions:**

Bank of America  
ABA # 121000358  
Swift Code: BOFAUS6S  
101 South Marengo Avenue, 3rd Floor  
Pasadena, CA 91101  
Account Number: 14599-04796  
Account Name: Paul, Hastings, Janofsky & Walker LLP  
Comment: Please refer to the invoice number listed above.

**Remittance Address:**

Paul, Hastings, Janofsky & Walker LLP  
515 South Flower Street  
25th Floor  
Los Angeles, CA 90071-2228

Refer all questions to Carol Brich at (213) 683-5039, or carolbrich@paulhastings.com.

PaulHastings

PAUL, HASTINGS, JANOFSKY & WALKER LLP  
515 South Flower Street, 25<sup>th</sup> Floor, Los Angeles, CA 90071-2228  
telephone 213-683-6000 / facsimile 213-627-0705 / internet www.paulhastings.com

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Palo Alto/ Paris/ San Diego/ San Francisco/ Shanghai/ Stamford/ Tokyo/ Washington, D.C.

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JAN 25 2006

MONROE COUNTY ATTORNEY

Monroe County  
P.O. Box 1026  
Key West, FL 33041-1026

Attn: Mr. Richard Collins  
County Attorney

January 18, 2006

Please refer to  
Invoice Number: 1496297  
PHJ&W Tax ID No. 95-2209675

---

REMITTANCE COPY

Collins Litigation

PHJ&W LLP File# 58551-00002  
Robert H. Freilich

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for the period ending December 31, 2005  
Costs incurred and advanced

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25th Floor  
Los Angeles, CA 90071-2228

Refer all questions to Carol Brich at (213) 683-5039, or carolbrich@paulhastings.com.

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REMITTANCE COPY (cont.)

Summary of Prior Balance Due

<u>Invoice Date</u>	<u>Invoice Number</u>	<u>Amount</u>	<u>Payments/ Trust Appl.</u>	<u>Credits</u>	<u>Balance Due</u>
08/26/05	1464942	\$53,896.41	\$0.00	\$0.00	\$53,896.41
09/20/05	1468428	\$70,682.33	\$0.00	\$0.00	\$70,682.33
10/14/05	1474638	\$13,530.64	\$0.00	\$0.00	\$13,530.64
11/17/05	1481838	\$36,556.28	\$0.00	\$0.00	\$36,556.28

Total Prior Due

\$174,665.66

Balance Due

\$321,294.95

PaulHastings

PAUL, HASTINGS, JANOFSKY & WALKER LLP  
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telephone 213-683-6000 / facsimile 213-627-0705 / internet www.paulhastings.com

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Palo Alto/ Paris/ San Diego/ San Francisco/ Shanghai/ Stamford/ Tokyo/ Washington, D.C.

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JAN 25 2006

MONROE COUNTY ATTORNEY

Monroe County  
P.O. Box 1026  
Key West, FL 33041-1026

January 18, 2006

Attn: Mr. Richard Collins  
County Attorney

Please refer to  
Invoice Number: 1496297  
PHJ&W Tax ID No. 95-2209675

FOR PROFESSIONAL SERVICES RENDERED  
for the period ending December 31, 2005

Collins Litigation

\$145,157.50

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/03/05	Alan K. Steinbrecher	Attend conference calls with T. McGarrity, S. Moore, R. Freilich and E. Paster regarding T. McGarrity deposition	6.00	350.00	\$2,100.00
10/05/05	Alan K. Steinbrecher	Conference with E. Paster regarding opposition to plaintiffs' motion for summary judgment; review draft opposition; telephone conference with T. Smith, S. Moore and E. Paster regarding discovery	3.75	350.00	\$1,312.50

12/23/05  
OK if  
delete  
only for  
10/04/05, Shrs  
D. Steinbrecher  
TC to Shilling  
Hurricane Wilma



Monroe County  
58551-00002  
Invoice No. 1496297

Page 2

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/05/05	Douglas C. Griffith	Prepare opposition to motion for summary judgment; related analysis; telephone conference with all counsel regarding strategies for cross-summary judgment, opposing summary judgment, discovery, dismissal of Burstyn plaintiff, plaintiffs' possible plans to amend complaint	6.00	350.00	\$2,100.00
10/06/05	Alan K. Steinbrecher	Telephone conference with E. Paster regarding status of "delay" pleading; telephone conference with D. Griffith regarding revision of opposition to plaintiffs' motion for summary judgment	2.00	350.00	\$700.00
10/06/05	Alan K. Steinbrecher	Review pleadings and motion for summary judgment	1.50	350.00	\$525.00
10/06/05	Douglas C. Griffith	Prepare opposition to motion for summary judgment; related analysis; telephone conference with A. Steinbrecher	10.50	350.00	\$3,675.00
10/07/05	Alan K. Steinbrecher	Review Monroe County's motion for summary judgment; review draft opposition to plaintiffs' motion for summary judgment; review comments	3.50	350.00	\$1,225.00
10/08/05	Alan K. Steinbrecher	Review and revise opposition to plaintiffs' motion for summary judgment	7.50	350.00	\$2,625.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/09/05	Alan K. Steinbrecher	Review and revise opposition to plaintiffs' motion for summary judgment	1.00	350.00	\$350.00
10/10/05	Alan K. Steinbrecher	Review and revise opposition to plaintiffs' motion for summary judgment; conference with E. Paster and D. Griffith regarding same; telephone conference with R. Freilich	4.00	350.00	\$1,400.00
10/10/05	Douglas C. Griffith	Review and revise opposition to motion for summary judgment; related analysis; conferences with E. Paster and A. Steinbrecher	4.25	350.00	\$1,487.50
10/11/05	Alan K. Steinbrecher	Telephone conference with R. Freilich regarding preparation on oral argument and additional arguments in opposition briefs; telephone conference with E. Paster and D. Griffith regarding same	1.50	350.00	\$525.00
10/11/05	Alan K. Steinbrecher	Review Penn Central and First English	3.00	350.00	\$1,050.00
10/11/05	Douglas C. Griffith	Review and revise opposition to motion for summary judgment; prepare for hearings	1.75	350.00	\$612.50
10/12/05	Alan K. Steinbrecher	Prepare for and attend telephone conference with R. Freilich, T. Smith, S. Moore, D. Griffith and E. Paster regarding opposition to plaintiffs' motion for summary judgment and related factual issues	3.50	350.00	\$1,225.00



<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/12/05	Douglas C. Griffith	Review and revise opposition to motion for summary judgment; related email to E. Paster regarding valuation methodology; strategizing conference call	4.00	350.00	\$1,400.00
10/13/05	Alan K. Steinbrecher	Review and revise opposition and edit current draft; telephone call with E. Paster; review and revise briefing binder	10.25	350.00	\$3,587.50
10/13/05	Douglas C. Griffith	Prepare summaries and materials for hearings and oral argument on cross-motion for summary judgment	3.50	350.00	\$1,225.00
10/14/05	Alan K. Steinbrecher	Review and revise motion; conference with E. Paster; review briefing binder; review pleadings; conference with D. Griffith	4.50	350.00	\$1,575.00
10/14/05	Douglas C. Griffith	Review and revise opposition to motion for summary judgment	2.25	350.00	\$787.50
10/17/05	Alan K. Steinbrecher	Review T. Smith's comments regarding opposition; conference with E. Paster regarding same and finalization of brief; conference with D. Griffith regarding service and filing	1.50	350.00	\$525.00
10/17/05	Douglas C. Griffith	Review and revise opposition to motion for summary judgment; prepare for hearings; conference calls with T. Smith, E. Paster	6.50	350.00	\$2,275.00
10/18/05	Alan K. Steinbrecher	Telephone conference with T. Smith regarding service of opposition; review discovery served by Monroe County	0.50	350.00	\$175.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/18/05	Douglas C. Griffith	Review and revise opposition to motion for summary judgment; prepare for hearings; conference calls with T. Smith, R. Shillinger, E. Paster; research, analysis regarding ripeness and statute of limitations strategy; meetings with A. Steinbrecher regarding same and revised hearing preparations in view of continuance	7.50	350.00	\$2,625.00
10/19/05	Douglas C. Griffith	Research, analysis regarding ripeness and statute of limitations strategy; meetings with A. Steinbrecher regarding same and regarding revised hearing preparations in view of continuance	1.25	350.00	\$437.50
10/24/05	Alan K. Steinbrecher	Telephone conference with R. Shillinger regarding service of opposition; conference with E. Paster regarding same	0.50	350.00	\$175.00
10/24/05	Douglas C. Griffith	Review and revise opposition to motion for summary judgment (research, analysis regarding ripeness, statute of limitations and date of take)	2.00	350.00	\$700.00
10/26/05	Douglas C. Griffith	Review and revise opposition to motion for summary judgment (research, analysis regarding ripeness, statute of limitations and date of take); telephone conference with A. Steinbrecher regarding same	2.25	350.00	\$787.50

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
10/31/05	Alan K. Steinbrecher	Attend meeting with R. Freilich, E. Paster and D. Griffith regarding new arguments	1.00	350.00	\$350.00
10/31/05	Douglas C. Griffith	Review and revise opposition to motion for summary judgment (research, analysis regarding ripeness, statute of limitations and date of take); strategy meeting with R. Freilich and E. Paster	2.25	350.00	\$787.50
11/01/05	Alan K. Steinbrecher	Review Lomrance's amended response to request for admission and response to interrogatories	0.30	350.00	\$105.00
11/01/05	Douglas C. Griffith	Prepare opposition to motion for summary judgment; analysis regarding relationship between statute of limitations and ripeness for facial and as applied claims for incorporation into papers	1.00	350.00	\$350.00
11/02/05	Robert H. Freilich	Prepare initial outline of oral argument; telephone conference with T. Smith regarding amendment of pleadings	3.20	350.00	\$1,120.00
11/07/05	Alan K. Steinbrecher	Telephone conference with E. Paster regarding emergency motion; review motion and R. Freilich affidavit; conference with R. Freilich, E. Paster and D. Griffith regarding same	2.00	350.00	\$700.00



<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
11/07/05	Douglas C. Griffith	Prepare of motion for continuance of trial and related affidavit, motion for emergency hearing; related meetings and procedural strategizing with R. Freilich and A. Steinbrecher	5.80	350.00	\$2,030.00
11/07/05	Elisa Paster	Telephone conference with T. Smith, S. Moore and R. Freilich; telephone conference with J. Glogau; strategize and analyze on whether to ask for motion for continuance or go to trial; revise motion to continue; draft emails to T. Smith and R. Shillinger	3.70	350.00	\$1,295.00
11/07/05	Robert H. Freilich	Telephone conference with T. Smith, R. Shillinger, J. Glogau; conference with A. Steinbrecher, D. Griffith; review and revise affidavit and motion for continuance	4.00	350.00	\$1,400.00
11/08/05	Alan K. Steinbrecher	Review and revise R. Freilich affidavit, notice of emergency motion and emergency motion; telephone call with E. Paster regarding motion to amend answer; review mediation procedures; review pleadings for companion cases regarding statute of limitations, ripeness and taking arguments	2.80	350.00	\$980.00
11/08/05	Elisa Paster	Telephone conference with J. Glogau; telephone conference with R. Shillinger; final revision to motions	0.50	350.00	\$175.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
11/08/05	Robert H. Freilich	Legal research basis for mediation chapter 380, BUD, land development regulations and 1996 plan; review depositions of plaintiffs	1.80	350.00	\$630.00
11/09/05	Alan K. Steinbrecher	Telephone call with E. Paster regarding plaintiffs' motion to dispense with mediation; review motion and correspondence; prepare opposition; conference with R. Freilich and E. Paster regarding opposition; telephone conference with R. Freilich, E. Paster and J. Glogau regarding trial preparation; trial preparation	5.00	350.00	\$1,750.00
11/09/05	Douglas C. Griffith	General status and strategizing; prepare email to A. Steinbrecher regarding same	0.50	350.00	\$175.00
11/09/05	Elisa Paster	Analyze issues for trial and opposition to motion to mediate; review and revise opposition for motion to mediate	2.10	350.00	\$735.00
11/09/05	Robert H. Freilich	Conference with A. Steinbrecher regarding opposition to continuance; telephone conference with J. Glogau regarding trial, witnesses and continuance	1.80	350.00	\$630.00
11/09/05	Robert H. Freilich	Prepare memorandum	1.00	350.00	\$350.00
11/10/05	Elisa Paster	Review and revise opposition to motion to dispense with mediation	0.50	350.00	\$175.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
11/10/05	Robert H. Freilich	Draft opposition to rejection of mediation; telephone conference with J. Glogau regarding revisions to State motion for continuance; conference with A. Steinbrecher regarding motions	3.60	350.00	\$1,260.00
11/11/05	Alan K. Steinbrecher	Conference with R. Freilich regarding trial preparation	1.00	350.00	\$350.00
11/11/05	Elisa Paster	Telephone conference with R. Shillinger; telephone conference with T. Smith; reply to emails from D. Edlow and T. Smith; review opposition motion	0.70	350.00	\$245.00
11/11/05	Robert H. Freilich	Legal research regarding statute of limitations cases; telephone conference with R. Shillinger; conference with A. Steinbrecher regarding trial preparation	3.00	350.00	\$1,050.00
11/14/05	Alan K. Steinbrecher	Telephone conference with E. Paster regarding hearing on emergency motion; prepare for oral argument	3.00	350.00	\$1,050.00
11/14/05	Elisa Paster	Telephone conference with R. Shillinger regarding opposition to motion to dispense with mediation and scheduling of continuance hearing; telephone with T. Smith regarding arguments for the motion to continue	0.20	350.00	\$70.00
11/14/05	Robert H. Freilich	Telephone conference with R. Shillinger and T. Smith regarding discovery issues for continuance	1.00	350.00	\$350.00



<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
11/15/05	Alan K. Steinbrecher	Prepare motion for summary judgment hearing; attend meeting with R. Freilich and D. Griffith regarding same	4.80	350.00	\$1,680.00
11/15/05	Douglas C. Griffith	Preparations for oral argument on cross-motion for summary judgment; strategizing regarding trial preparations	6.50	350.00	\$2,275.00
11/15/05	Elisa Paster	Prepare materials for summary judgment; prepare argument for motion for continuance	1.00	350.00	\$350.00
11/15/05	Robert H. Freilich	Conference with A. Steinbrecher and D. Griffith regarding oral argument on Collins cross-motion for summary judgment and motion for continuance	2.60	350.00	\$910.00
11/16/05	Alan K. Steinbrecher	Review plaintiffs' response to motion to continue trial, responses to interrogatories, new South Carolina Boyd case regarding temporary taking; article regarding wetlands values; review outline of motion for summary judgment argument; conference with D. Griffith regarding same	3.50	350.00	\$1,225.00
11/16/05	Douglas C. Griffith	Preparations for oral argument on cross-motion for summary judgment; prepare email to R. Freilich regarding same; status and review of emails regarding motion to continue trial; review and assess plaintiffs' opposition to same	2.30	350.00	\$805.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
11/16/05	Elisa Paster	Telephone conference to analyze strategy with S. Moore and D. Edlow; analyze and draft response to Plaintiffs' response to defendant's motions to continue bench trial on liability	4.70	350.00	\$1,645.00
11/16/05	Robert H. Freilich	Review and revise response to J. Mattson's reply; telephone conference with R. Shillinger, S. Moore and J. Glogau; prepare for court telephonic hearing	3.00	350.00	\$1,050.00
11/17/05	Alan K. Steinbrecher	Review Plaintiffs' response to motion to continue trial; trial preparation (motion for summary judgment outline, mediation brief, opposition)	4.80	350.00	\$1,680.00
11/17/05	Douglas C. Griffith	Review reply in support of motion to continue trial; prepare for oral argument on cross-motion for summary judgment; prepare for mediation; pretrial strategizing; contingency planning for re-noticing of plaintiffs' motion for summary judgement	2.00	350.00	\$700.00
11/17/05	Elisa Paster	Review and revise reply to plaintiff's response to motion for continuance; preparation for hearing; attend hearing; prepare order; telephone conference with T. Smith	4.50	350.00	\$1,575.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
11/17/05	Robert H. Freilich	Prepare outline for oral argument on summary judgment cross motion; telephone conference with judge on motion for continuance; telephone conference with R. Collins, J. Glogau, T. Smith; review and revise proposed order to court; review and revise opposition to motion for summary judgment	8.00	350.00	\$2,800.00
11/18/05	Alan K. Steinbrecher	Prepare for hearings; prepare mediation brief; telephone call with R. Freilich, T. Smith and S. Moore	9.00	350.00	\$3,150.00
11/18/05	Douglas C. Griffith	Preparations for oral argument on cross-motion for summary judgment; strategy meeting with R. Freilich regarding hearing, contingency opposition to plaintiffs' Motion for Summary Judgment and pre-trial activities; preparations for mediation	1.80	350.00	\$630.00
11/18/05	Elisa Paster	Revise order; telephone conference with T. Smith; telephone conference with J. Mattson; telephone conference with R. Shillinger	1.00	350.00	\$350.00
11/18/05	Robert H. Freilich	Telephone conference with T. Smith and S. Moore; prepare oral argument to cross motion; prepare letters and memoranda to growth management division on Collins and BUD applications	3.60	350.00	\$1,260.00



<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
11/19/05	Douglas C. Griffith	Preparations for oral argument on cross-motion for summary judgment	4.00	350.00	\$1,400.00
11/21/05	Alan K. Steinbrecher	Prepare mediation brief	6.30	350.00	\$2,205.00
11/21/05	Douglas C. Griffith	Preparations for oral argument on cross-motion for summary judgment; strategy meeting with R. Freilich regarding hearing, contingency opposition to plaintiffs' motion for summary judgement and pre-trial activities; prepare for mediation	3.50	350.00	\$1,225.00
11/21/05	Elisa Paster	Review and revise mediation brief; telephone conference with R. Shillinger regarding mediation; telephone conference with K. Rupp regarding order; draft emails regarding order; research cases in which Kirwan has served as judge	2.00	350.00	\$700.00
11/21/05	Robert H. Freilich	Conference with S. Moore and T. Smith regarding exhibits, witnesses, mediation, cross-motion argument; review individual plaintiff discovery	4.00	350.00	\$1,400.00
11/21/05	Robert H. Freilich	Conference with S. Moore and D. Edlow regarding preparation for mediation and trial	2.00	350.00	\$700.00
11/21/05	Wilhelmina Gonzaque-Taylor	Review of e-mails regarding documents sent by T. Smith	0.50	180.00	\$90.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
11/22/05	Alan K. Steinbrecher	Telephone conference with E. Paster regarding research; review and revise mediation brief; telephone conference with E. Paster regarding letter brief to Court regarding mediation; review letter	3.80	350.00	\$1,330.00
11/22/05	Douglas C. Griffith	Prepare for oral argument on cross-motion for summary judgment; prepare contingency opposition to plaintiffs' motion for summary judgment; research regarding plaintiffs' requirement to attend mediation; research LDRs and 2010 Plan in connection with oral argument and demonstratives	9.30	350.00	\$3,255.00
11/22/05	Elisa Paster	Research cases which Judge Sorondo has heard; review mediation brief; draft reply to Mattson's objection to Sorondo; research mediation parties	3.50	350.00	\$1,225.00
11/22/05	Robert H. Freilich	Review J. Mattson's email and memorandum; prepare response for mediation	1.00	350.00	\$350.00
11/22/05	Wilhelmina Gonzalez-Taylor	Review of email memorandum regarding contracts	0.50	180.00	\$90.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
11/23/05	Douglas C. Griffith	Prepare for oral argument on cross-motion for summary judgment; prepare research memorandum regarding plaintiffs' requirement to attend mediation; research LDRs and 2010 Plan in connection with oral argument and demonstratives; create demonstrative	2.80	350.00	\$980.00
11/23/05	Elisa Paster	Coordinate mediation issues with R. Shillinger; research offer of judgment; telephone conference with D. Edlow	1.30	350.00	\$455.00
11/23/05	Robert H. Freilich	Review and revise exhibits for trial; telephone conference with S. Moore, T. Edlow and plaintiffs	8.00	350.00	\$2,800.00
11/26/05	Alan K. Steinbrecher	Prepare for meetings and mediation	1.50	350.00	\$525.00
11/27/05	Alan K. Steinbrecher	Prepare for summary judgment	5.00	350.00	\$1,750.00
11/27/05	Robert H. Freilich	Review deposition file analysis, documents for mediation and trial; prepare oral argument	9.00	350.00	\$3,150.00
11/28/05	Alan K. Steinbrecher	Prepare for mediation	7.00	350.00	\$2,450.00
11/28/05	Robert H. Freilich	Conferences with staff, attorneys, Growth Management; state regarding mediation files	8.40	350.00	\$2,940.00
11/29/05	Alan K. Steinbrecher	Attend mediation	7.00	350.00	\$2,450.00
11/29/05	Douglas C. Griffith	Telephone call with A. Steinbrecher regarding mediation	0.30	350.00	\$105.00
11/29/05	Robert H. Freilich	Appear at mediation; prepare oral argument	10.00	350.00	\$3,500.00



<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
11/30/05	Alan K. Steinbrecher	Attend motion for summary judgment; review new BUD applications	7.00	350.00	\$2,450.00
11/30/05	Robert H. Freilich	Appear at oral argument on cross motion for summary judgment; prepare notes on oral argument	9.00	350.00	\$3,150.00
12/01/05	Edgar Khalatian	Research related for supplemental brief regarding statute of limitations	2.00	350.00	\$700.00
12/01/05	Elisa Paster	Research facial takings issues for brief	1.00	350.00	\$350.00
12/01/05	Robert H. Freilich	Analyze facial takes section 380.085 as applied takes; conference with E. Khalatian and E. Paster regarding legal research	4.30	350.00	\$1,505.00
12/02/05	Elisa Paster	Research facial takings, notice of tax assessment as proper notice and notice of comprehensive plan regulations	2.80	350.00	\$980.00
12/03/05	Elisa Paster	Analyze depositions for evidence of notice of tax assessment	1.00	350.00	\$350.00
12/05/05	Robert H. Freilich	Telephone conference with S. Moore regarding deposition	1.50	350.00	\$525.00
12/06/05	Edgar Khalatian	Telephone conference with J. Glogau; research statute of limitations	3.00	350.00	\$1,050.00
12/06/05	Elisa Paster	Research and analyze facial takings cases and statute of limitation cases for supplemental brief	2.50	350.00	\$875.00
12/06/05	Robert H. Freilich	Telephone conference with J. Glogau regarding statute of limitations	0.50	350.00	\$175.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
12/06/05	Robert H. Freilich	Legal research regarding work product and confidentiality of instructions to Gallaher; legal research regarding public harm, benefit distinctions, accruing of facial claims, statute of limitations	3.20	350.00	\$1,120.00
12/07/05	Edgar Khalatian	Research and prepare memorandum regarding statute of limitations	3.50	350.00	\$1,225.00
12/07/05	Elisa Paster	Research and analyze facial takings cases and statute of limitations cases for brief	4.50	350.00	\$1,575.00
12/07/05	Robert H. Freilich	Conference with D. Griffith and E. Paster on facial and as applied facts; legal research regarding variances and CUP appeals, statute of limitations	4.40	350.00	\$1,540.00
12/08/05	Edgar Khalatian	Research and prepare outline of statute of limitations analysis	3.00	350.00	\$1,050.00
12/08/05	Elisa Paster	Review depositions for notice of reduction of property value; develop and analyze chart of when plaintiffs had notice	3.30	350.00	\$1,155.00
12/08/05	Robert H. Freilich	Conference with E. Khalatian regarding treatises, administrative appeal versus declaratory judgment	2.00	350.00	\$700.00
12/09/05	Edgar Khalatian	Research related to statute of limitations	1.20	350.00	\$420.00
12/11/05	Elisa Paster	Analyze and draft facts which speak to notice	3.00	350.00	\$1,050.00
12/12/05	Elisa Paster	Analyze notice of wetlands to plaintiffs	0.90	350.00	\$315.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
12/12/05	Robert H. Freilich	Draft brief regarding facial takes	2.80	350.00	\$980.00
12/13/05	Elisa Paster	Review and analyze brief on facial claims; telephone conference with B. Shillinger; telephone conference with R. Gouldy regarding maps	1.40	350.00	\$490.00
12/13/05	Robert H. Freilich	Conference with D. Griffith and E. Paster	1.50	350.00	\$525.00
12/15/05	Elisa Paster	Review and revise brief and affidavits	1.00	350.00	\$350.00
12/15/05	Robert H. Freilich	Review and revise memorandum of law regarding facial takings notice	3.20	350.00	\$1,120.00
12/15/05	Wilhelmina Gonzaque-Taylor	Telephone conference with D. Griffith regarding brief;prepare email memorandum to N. Marine regarding same	0.50	180.00	\$90.00
12/16/05	Ana L. Morales	Conference with M. Taylor regarding preparation of evidence for Monroe County's memorandum of law on limited issues of statute of limitations in support of motion for summary judgment; initiate to cite check and shepardize case law regarding same; initiate to compile evidence regarding same	5.00	170.00	\$850.00
12/18/05	Ana L. Morales	Review, compile and prepare exhibits for Monroe County's memorandum of law on limited issues of statute of limitations in support of motion for summary judgment	7.50	170.00	\$1,275.00



<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
12/18/05	Ernest Benavidez	Compile and review deposition testimony cited in Monroe County's memorandum of law on limited issues of statutes of limitations in support of motion for summary judgment	5.50	115.00	\$632.50
12/19/05	Ana L. Morales	Continue to review, prepare and compile exhibits in support of Monroe County's memorandum of law on limited issues of statute of limitations in support of motion for summary judgment	8.00	170.00	\$1,360.00
12/19/05	Elisa Paster	Review and revise supplemental brief	4.20	350.00	\$1,470.00
12/19/05	Robert H. Freilich	Review and revise brief on statute of limitations	3.20	350.00	\$1,120.00
12/20/05	Elisa Paster	Finalize pages of brief; coordinate filing of brief; telephone conference with B. Shillinger	0.50	350.00	\$175.00
<b>Total Fees</b>			<b>429.70</b>		<b>\$145,157.50</b>

### Timekeeper Summary

Robert H. Freilich	114.60 hours at	\$350.00
Edgar Khalatian	12.70 hours at	\$350.00
Elisa Paster	51.80 hours at	\$350.00
Alan K. Steinbrecher	129.30 hours at	\$350.00
Douglas C. Griffith	93.80 hours at	\$350.00
Ana L. Morales	20.50 hours at	\$170.00
Wilhelmina Gonzaque-Taylor	1.50 hours at	\$180.00
Ernest Benavidez	5.50 hours at	\$115.00

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**For Costs Incurred and Advanced**

Courier Service	23.28
Long Distance Telephone Charges	201.96
Photocopy Charges	898.60
Facsimile	33.75
Postage/Express Mail	39.95
Outside Professional Services - - Law Offices Of Alan K. Steinbrecher; Invoice # 1066; Invoice Date: 10/31/05 Costs and Disbursements: Worldwide Network Inv # 35492	99.75
HC-Misc - - Elisa Paster, 12/16/05 Fax from hotel to PHJW	53.50
HC-Misc - - Elisa Paster, 12/15/05 Fax from hotel to PHJW	53.50
HC-Misc - - Elisa Paster, 12/14/05 Fax from hotel to PHJW	23.50
HC-Misc - - Elisa Paster, 12/14/05 Fax from hotel to PHJW	34.00
HC-Misc - - Elisa Paster, 12/14/05 Fax from hotel to PHJW	10.00
<b>Total Costs</b>	<b>\$1,471.79</b>

<b>Current Fees and Costs Due</b>	<b>\$146,629.29</b>
<b>Prior Balance Due</b>	<b>\$174,665.66</b>
<b>Total Balance Due</b>	<b>\$321,294.95</b>